

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DAVID MACEY and
EDWIN PAGAN III,

Defendants.

No. 24 Cr. 641 (JHR)

DECLARATION OF DAVID PATTON IN SUPPORT OF
DEFENDANT DAVID MACEY'S MOTION TO DISMISS THE INDICTMENT AND
MOTION FOR SEVERANCE

I, David Patton, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner in the law firm of Hecker Fink LLP and counsel for Defendant David Macey in the above-captioned action.

2. I respectfully submit this declaration in support of Mr. Macey's motion to dismiss the indictment and motion for severance.

3. In accordance with Local Criminal Rule 16.1, I certify that I have conferred with counsel for the Government in an effort in good faith to resolve by agreement the issues raised in our motion for leave to move for a bill of particulars. The parties have thus far been unable to resolve these issues by agreement.

4. Attached hereto as **Exhibit A** is a true and correct copy of the November 6, 2023, trial transcript in *United States v. Costanzo*, No. 22 Cr. 281 (S.D.N.Y.).

5. Attached hereto as **Exhibit B** is a true and correct copy of Government Exhibit 113A in *United States v. Costanzo*, No. 22 Cr. 281 (S.D.N.Y.), which was produced by the

Government as part of discovery in this action beginning at Bates number SDNY_0107700.

6. Attached hereto as **Exhibit C** is a true and correct copy of the second part of the October 26, 2023, trial transcript in *United States v. Costanzo*, No. 22 Cr. 281 (S.D.N.Y.).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 8, 2025



David Patton